

THE HONORABLE TIFFANY M. CARTWRIGHT

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

CAROL VAUGHN, in her representative
capacity as Personal Representative of the
ESTATE OF MICHAEL A. COHEN,

Plaintiff,

v.

LOREN COHEN, et al.,

Defendants.

WILLIAM NEWCOMER,

Plaintiff,

v.

LOREN COHEN, et al.,

Defendants,

v.

AMARA COHEN, individually, and SUSAN
COHEN, Trustee of the Michael Arthur Cohen
Spousal Equivalent Access Trust, CAROL
VAUGHN, individually, and in her
representative capacity as Personal
Representative of the ESTATE OF MICHAEL
COHEN, UNITED STATES OF AMERICA
(DEPARTMENT OF INTERNAL REVENUE), and
BR NEWCOMER, LLC,

Third-Party Defendants.

NO. 3:23-cv-06142-TMC

**STIPULATED MOTION AND ORDER FOR
REMAND**

NOTED FOR CONSIDERATION:
APRIL 11, 2025

1 Loren Cohen, in his individual capacity and as part of his marital estate, Holland Cohen,
2 in her individual capacity and as part of her marital estate, Susan Cohen, as successor trustee of
3 the Michael Arthur Cohen Spousal Equivalent Trust, and Amara Cohen (collectively, the
4 “Parties”) stipulate to remand as follows:

5 1. Although this case was initially filed in state court, the United States removed it
6 to federal court under 28 U.S.C. § 1441(a), as an action affecting federal tax liens, 28 U.S.C. §
7 1442(a)(1), the federal officer or agency removal statute, after “United States of America
8 (Department of Internal Revenue)” was named as a Third-Party Defendant, and 28 U.S.C. §
9 1444 as an action brought under 28 U.S.C. § 2410. Dkt. 1. The United States also brought a
10 crossclaim against the Estate and a counterclaim against Loren. Dkt. 18.

11 2. This Court previously determined that it had original jurisdiction pursuant to 28
12 U.S.C. § 1340, 26 U.S.C. § 7402, and 28 U.S.C. § 1345. The Court also previously determined that
13 it could exercise supplemental jurisdiction over the remaining state-law claims pursuant to 28
14 U.S.C. § 1367(a).

15 3. On April 10, 2025, Loren Cohen and the United States finalized a settlement that
16 resolved all claims in this suit asserted by the United States and all claims asserted by Loren
17 Cohen and his related entities against the United States. Subsequently, per stipulation, the
18 Court dismissed these claims. Dkt. 273. The settlement and subsequent dismissal resolved all
19 claims in this suit involving the United States, leaving only claims under state law.

20 4. The court has an independent obligation to address *sua sponte* whether it has
21 subject matter jurisdiction, *see Dittman v. California*, 191 F.3d 1020, 1025 (9th Cir. 1999), and
22 the obligation is continuing even if the issue is neglected by the parties. *See United States v.*
23 *Ceja-Prado*, 333 F.3d 1046, 1049 (9th Cir. 2003).

24 5. PC Collections has withdrawn its claim for Declaratory Relief against the United
25 States (and did so in the Pretrial Order which operates as the live pleading), the United States
26 withdrew all its tax claims based on a voluntary settlement, and the Court has dismissed these
27 claims. With no surviving federal claims, that matter should be remanded back to state court.

1 See *Royal Canin U.S.A., Inc. v. Wullschleger*, 604 U.S. 22, 145 S. Ct. 41 (2025) (withdrawal of
 2 federal claim before trial destroys federal-question jurisdiction even though it previously had
 3 supplemental jurisdiction); 28 U.S.C. § 1447(c) (remand required if at any time it appears the
 4 federal court lacks subject-matter jurisdiction).

5 6. In the pretrial conference, the Court noted that *Royal Canin U.S.A.* was decided
 6 in the context of an amended pleading that withdrew the federal claims. The key language in
 7 *Royal Canin* is the voluntary nature of the withdrawal that eliminates the federal controversy in
 8 a way that can't be appealed. Jurisdiction under § 1367 disappears when the federal claims are
 9 withdrawn and can't be appealed: "The leftover state claims, after all, are now the entirety of
 10 the plaintiff's suit. Federal claims are not just subordinate, as in §§ 1367(c)(1) and (2), but gone.
 11 And gone for good as well." *Royal Canin*, 604 U.S. at 33. This contrasts with when the federal
 12 claims are dismissed by the court through, for example, a dispositive motion, which gives rise to
 13 the possibility of revival through an appeal. *Id.* Stated another way: "Or more specifically: If a
 14 plaintiff files suit in federal court based on federal claims and later scraps those claims, the
 15 federal court cannot go forward with a now all-state-claim suit." See *id.* at 36. Here, all of the
 16 federal-question-jurisdiction-supporting claims and federal parties that necessitated removal
 17 have been withdrawn by a settlement, and there is no live federal controversy to support
 18 supplemental jurisdiction.

19 7. At least one district court in this circuit has applied the reasoning in *Royal Canin*
 20 to a case in which federal question claims were settled. See *Rosario v. Natividad Med. Ctr.*, No.
 21 24-CV-01598-SI, 2025 WL 926456, at *3 (N.D. Cal. Mar. 27, 2025) ("The circumstances here—
 22 where plaintiff settled the federal question rather than amended it away—are very similar to
 23 those in *Royal Canin*").

24 8. Regardless of whether *Royal Canin* controls, under cases like *Mine*
 25 *Workers v. Gibbs*, 383 U.S. 715 (1966) and *Carnegie-Mellon Univ. v. Cohill*, 484 U.S. 343 (1988),
 26 when the federal claims are dismissed before trial, and although the decision is otherwise
 27 discretionary, absent some compelling reason, the remaining state law claims should be

1 remanded out of principles of comity and the limited role federal courts should play in resolving
2 exclusively state-law matters in a non-diversity case.

3 9. Here, the parties stipulate that regardless of whether *Royal Canin* controls, the
4 remaining state law claims should be remanded. See 28 U.S.C. § 1447(c).

5 RESPECTFULLY SUBMITTED AND DATED this 14th day of April, 2025.

6 TERRELL MARSHALL LAW GROUP PLLC

7 By: /s/ Adrienne D. McEntee

8 Adrienne D. McEntee, WSBA No. 34061
9 E-mail: amcentee@terrellmarshall.com
10 Toby J. Marshall, WSBA No. 32726
11 E-mail: tmarshall@terrellmarshall.com
12 936 North 34th Street, Suite 300
13 Seattle, WA 98103
14 Telephone: (206) 816-6603

15 *Attorneys for Loren Cohen individually*

16 By: /s/ Jack B. Krona Jr

17 Jack B. Krona Jr., WSBA No. 42484
18 Email: j_krona@yahoo.com
19 5020 Main Street, Suite H
20 Tacoma, WA 98407
21 Telephone: (253) 341-9331

22 *Attorney for Holland Cohen and Marital*
23 *Community, in the underlying Case No. 23-2-07988-*
24 *0, and Attorney for Loren and Holland Cohen and*
25 *Marital Community in the underlying Case No. 23-*
26 *2-09267-3*

27 KELLER ROHRBACK, LLP

By: /s/ Eric R. Laliberte

Eric R. Laliberte, WSBA #44840
Email: elaliberte@kellerrohrback.com
Perry Maybrown, WSBA #61550
Email: pmaybrown@kellerrohrback.com
1201 3rd Ave., Ste. 3400
Seattle, WA 98101-3052

Attorneys for Amara Cohen and Susan Cohen

ORDER

The remaining state law claims in the suit, asserted by and between the Parties to this stipulation, are remanded to Pierce County Superior Court. The Clerk is directed to take all procedural steps necessary to effectuate the remand.

The Parties are hereby excused from all trial and pretrial dates.

IT IS SO ORDERED.

Dated this 14th day of April, 2025.



THE HONORABLE TIFFANY M. CARTWRIGHT
United States District Judge